PREFACE

This supplement contains amendments to the environmental regulations adopted during the 3rd quarter of 2010 (July - September).

The amendments in this publication include the following:

Media	Rule Log #		Final Date
Part III. Air	AQ299		July 20, 2010
	AQ307		August 20, 2010
	AQ307	Repromulgated	September 20, 2010
	AQ309		July 20, 2010
Part V. Hazardous Waste	HW106	Repromulgated	July 20, 2010
Part IX. Water Quality	WQ079		August 20, 2010
Part XV. Radiation Protection	RP051ft		August 20, 2010

Log # Suffix Key:

ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)
F – Federal Language
L – Louisiana Language
S – Substantive Changes to Proposed Rule
P – Rule resulting from a Petition for Rulemaking

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Name:

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NOTES:

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Part V. Hazardous Waste

Part IX. Water Quality

Subpart 1. Water Pollution Control

Part XV. Radiation Protection

Table of Contents

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Coldset Printing—a web offset printing process in which ink is allowed to dry naturally through absorption and evaporation.

* * *

Flexible Package Printing Facility—a facility that uses either rotogravure printing or flexographic printing processes on flexible packaging.

Flexible Packaging—any package or part of a package the shape of which can be readily changed, including, but not limited to, bags, pouches, liners, and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials.

* * *

Fountain Solution—a solution used on an offset lithographic press to keep the ink from adhering to the non-image areas of the offset lithographic plate.

* * *

Heatset Dryer—a hot air dryer used in heatset lithography to heat the printed substrate and to promote the evaporation of the ink oils.

Heatset Web Offset Lithographic Printing—a type of web offset lithographic printing process where heat is applied via a drying oven to set and dry the ink.

* * *

Letterpress Printing—relief printing of text and/or images using a press with a "type-high bed," in which a reversed, raised surface is inked and then pressed into a sheet of paper to obtain a positive, right-reading image.

* * *

Miscellaneous Metal Parts and Products Coating—the coating of miscellaneous metal parts and products in the following categories:

a. – e. …

f. fabricated metal products (metal-covered doors, frames, etc.);

g. any other category of coated metal products except:

i. those on the specified list in LAC 33:III.2123.C. Table 1, Items 1-6, and 13-17 of surface coating processes, which are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries);

ii. coating operations covered under 40 CFR 63, Subpart GG – National Emissions Standards for Aerospace Manufacturing and Rework Facilities; and

iii. the surface coating of metal parts and products performed on-site at installations owned or operated by the armed forces of the United States (including the Coast Guard, and the National Guard of any state) or the National Aeronautics and Space Administration, or the surface coating of military munitions manufactured by or for the armed forces of the United States.

* * *

Offset Lithographic Printing—an indirect printing method in which ink is transferred from the lithographic plate to a rubber-covered intermediate "blanket" cylinder, and then from the blanket cylinder to the paper or other printing substrate.

* * *

Sheet-Fed Printing—a process in which individual sheets of paper or other substrates are fed into the press.

* * *

Web Printing—a process where a continuous roll of paper or other substrate is fed into the press, and rewound or cut to size after printing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:70 (January 2008), LR 35:1101 (June 2009), LR 36:1773 (August 2010).

Chapter 3. Regulatory Permits

§315. Regulatory Permit for Concrete Manufacturing Facilities

A. Applicability

1. This regulatory permit authorizes the construction and operation of facilities engaged in the manufacture of ready-mixed portland cement concrete, including central-mixed concrete, shrink-mixed concrete, and truck-mixed concrete, subject to the requirements established herein, upon notification by the administrative authority that the

application (i.e., notification form) submitted in accordance with Subsection E of this Section has been determined to be complete.

2. This regulatory permit may be used to authorize both stationary and portable concrete manufacturing facilities.

3. The monitoring and recordkeeping requirements herein do not apply during each day when the concrete manufacturing facility is not operational.

B. Control of Fugitive Emissions

1. Best housekeeping and maintenance practices shall be employed to minimize organic compound emissions, as provided in LAC 33:III.2113.A.1-4.

2. Emissions that pass onto or across a public road and create a traffic hazard by impairment of visibility, or intensify an existing traffic hazard condition, are prohibited.

3. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. These precautions shall include, but not be limited to, the following:

i. open-bodied trucks transporting materials likely to give rise to airborne dust shall be covered at all times when in motion;

ii. earth or other material on paved areas within the facility due to transport by trucking or other means shall be promptly removed; and

iii. in-plant roads, vehicle work areas, material stockpiles, and other surfaces at the facility shall be watered, treated with dust-suppressant chemicals, oiled, or paved and cleaned as necessary to minimize dust emissions to the greatest extent practicable.

C. Filter Vents (Baghouses)

1. Monitoring and Repair

a. Filter vents shall be inspected for visible emissions on a daily basis.

b. Filter elements (bags) shall be inspected every 6 months or whenever visual checks indicate maintenance may be necessary.

c. Filter elements shall be changed in accordance with the manufacturer's recommendations, or more frequently if maintenance inspections reveal damage or other impairments impacting the design efficiency of the unit.

2. Recordkeeping. The following records shall be kept on-site and available for inspection by the Office of Environmental Compliance:

a. the results of the visual checks required by Subparagraph C.1.a of this Section;

b. the dates and results of the maintenance inspections required by Subparagraph C.1.b of this Section; and

c. the dates and a description of any maintenance or repair conducted in accordance with Subparagraph C.1.c of this Section.

D. Internal Combustion Engines

1. Fuels and Fuel Sulfur Content

a. Internal combustion engines (ICEs) shall not combust noncommercial fuels, including used crankcase oil or any other used oil, facility byproducts, or any other type of waste material. Only commercially-available fuels such as diesel or gasoline shall be used.

b. The permittee shall not combust distillate oil that contains greater than 0.5 weight percent sulfur.

2. Opacity of Emissions

a. Limitations

i. Smoke. The emission of smoke shall be controlled so that the shade or appearance of the emission is not darker than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not more than one 6-minute period in any 60 consecutive minutes.

ii. Particulate Matter. The emission of particulate matter shall be controlled so that the shade or appearance of the emission is not denser than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not more than one 6-minute period in any 60 consecutive minutes.

iii. When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Paragraph, this Paragraph will not apply.

b. Monitoring and Recordkeeping

i. The permittee shall inspect each ICE's stack for visible emissions once each month.

ii. If visible emissions are detected for more than one 6-minute period over a 60 consecutive minute test period using Method 22 of 40 CFR 60, Appendix A, the permittee shall conduct a 6-minute opacity reading in accordance with Method 9 of 40 CFR 60, Appendix A, during the next monthly visible emissions check.

iii. If the shade or appearance of the emission is darker than 20 percent average opacity (per Method 9), the permittee shall take corrective action to return the ICE to its proper operating condition, and the 6-minute opacity reading in accordance with Method 9 shall be repeated. The permittee shall notify the Office of Environmental Compliance no later than 30 calendar days after any Method 9 reading in excess of 20 percent average opacity. This notification shall include the date the visual check was performed, results of the Method 9 testing, and a record of the corrective action employed.

iv. Records of visible emissions checks shall include the ICE's serial number, the date the visual check

was performed, a record of emissions if visible emissions were detected for a period longer than 6 consecutive minutes, the results of any Method 9 testing conducted, and a record of any corrective action employed. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance.

3. Operating Time

a. Operating time of each ICE shall be monitored by any technically-sound means.

b. The operating time of each ICE shall be recorded each month, as well as its operating time for the last 12 months. These records shall be kept on-site for 5 years and available for inspection by the Office of Environmental Compliance.

4. New Source Performance Standards

a. Each stationary compression ignition (CI) ICE described in 40 CFR 60.4200(a) shall comply with the applicable provisions of 40 CFR 60, Subpart IIII–Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, unless the ICE is exempted as described in 40 CFR 60.4200(d).

b. Each stationary spark ignition (SI) ICE described in 40 CFR 60.4230(a) shall comply with the applicable provisions of 40 CFR 60, Subpart JJJJ–Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, unless the ICE is exempted as described in 40 CFR 60.4230(e) or meets the conditions set forth in 40 CFR 60.4230(f).

5. National Emissions Standards for Hazardous Air Pollutants. Each stationary reciprocating ICE described in 40 CFR 63.6590 shall comply with the applicable provisions of 40 CFR 63, Subpart ZZZZ–National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

6. Gasoline storage tanks associated with an ICE and with a nominal capacity of more than 250 gallons shall be equipped with a submerged fill pipe.

E. Notification Requirements. Written notification describing the planned activity shall be submitted to the Office of Environmental Services using the appropriate form provided by the department.

F. Relocation. The owner or operator shall notify the department prior to moving a portable concrete manufacturing facility to a new operating site. Approval must be obtained before operations at the new site can commence.

G. Standby Plan. The owner or operator shall develop and retain onsite a standby plan for the reduction or elimination of emissions during an air pollution alert, air pollution warning, or air pollution emergency, as described in LAC 33:III.5609.A. The plan shall be in accordance with the requirements of LAC 33:III.5611.

H. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit is $713 (fee number 1722). In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be $143.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:1541 (July 2010).

Chapter 21. Control of Emission of Organic Compounds

Subchapter B. Surface Coatings

§2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emissions of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. – B.2. …

C. Surface Coating Industries. No person may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating of any materials affected by this Subsection to exceed the emission limits as specified in this Section.

Table 1. Surface Coating Industries

Affected Facility	Daily Weighted Average VOC Emission Limitation	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	Kgs. per Liter of Coating as applied (minus water and exempt solvent)
1. Large Appliance Coating Industry		
General, One Component	2.3	0.275
General, Multi-Component (Baked/Air Dried)	2.3 / 2.8	0.275 / 0.340
Extreme High Gloss	2.8	0.340
Extreme Performance	2.8	0.340
Heat Resistant	2.8	0.340
Metallic	2.8	0.340
Pretreatment Coatings	2.8	0.340
Solar Absorbent	2.8	0.340
2. Surface Coating of Cans		
Sheet Basecoat (Exterior and Interior) and Over-Varnish: Two-Piece Can Exterior (Basecoat and Over-Varnish)	2.8	0.34
Two and Three-Piece Can Interior Body Spray, Two-Piece Can Exterior End (Spray or Roll Coat)	4.2	0.51
Three-Piece Can Side-Seam Spray	5.5	0.66
End Sealing Compound	3.7	0.44
3. Surface Coating of Coils		

Table 1. Surface Coating Industries		
Affected Facility	**Daily Weighted Average VOC Emission Limitation**	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**
Prime and Topcoat or Single Coat Operation	2.6	0.31
4. Surface Coating of Fabrics		
Fabric Facility	2.9	0.35
Vinyl Coating Line (Except Plasticol Coatings)	3.8	0.45
5. Surface Coating–Magnet Wire Coating		
Coating Line	1.7	0.20
6. Surface Coating of Metal Furniture		
General, One Component (Baked/Air Dried)	2.3 / 2.3	0.275 / 0.275
General, Multi-Component (Baked/Air Dried)	2.3 / 2.8	0.275 / 0.340
Extreme High Gloss (Baked/Air Dried)	3.0 / 2.8	0.360 / 0.340
Extreme Performance	3.0	0.360
Heat Resistant	3.0	0.360
Metallic	3.0	0.360
Pretreatment Coatings	3.0	0.360
Solar Absorbent	3.0	0.360

Table 1. Surface Coating Industries				
Affected Facility	**Daily Weighted Average VOC Emission Limitation**			
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Lbs. per Gal. of Solids**	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**	**Kgs. per Liter of Solids**
7. Surface Coating of Miscellaneous Metal Parts and Products				
General, One Component or Multi-Component (Baked/Air Dried)	2.3 / 2.8	3.35 / 4.52	0.28 / 0.34	0.40 / 0.54
Camouflage	3.5	6.67	0.42	0.80
Electric Insulating Varnish	3.5	6.67	0.42	0.80
Etching Filler	3.5	6.67	0.42	0.80
Extreme High Gloss (Baked/Air Dried)	3.0 / 3.5	5.06 / 6.67	0.36 / 0.42	0.61 / 0.80
Extreme Performance (Baked/Air Dried)	3.0 / 3.5	5.06 / 6.67	0.36 / 0.42	0.61 / 0.80
Heat Resistant (Baked/Air Dried)	3.0 / 3.5	5.06 / 6.67	0.36 / 0.42	0.61 / 0.80
High Performance Architectural	3.5	6.67	0.42	0.80
High Temperature	3.5	6.67	0.42	0.80
Metallic	3.5	6.67	0.42	0.80
Military Specification (Baked/Air Dried)	2.3 / 2.8	3.35 / 4.52	0.28 / 0.34	0.40 / 0.54
Mold Seal	3.5	6.67	0.42	0.80
Pan Baking	3.5	6.67	0.42	0.80
Prefabricated Architectural, One Component or Multi-Component (Baked/Air Dried)	2.3 / 3.5	3.35 / 6.67	0.28 / 0.42	0.40 / 0.80
Pretreatment Coatings	3.5	6.67	0.42	0.80
Repair and Touch Up (Baked/Air Dried)	3.0 / 3.5	Does not apply	0.36 / 0.42	Does not apply
Silicone Release	3.5	6.67	0.42	0.80
Solar Absorbent (Baked/Air Dried)	3.0 / 3.5	5.06 / 6.67	0.36 / 0.42	0.61 / 0.80
Vacuum Metalizing	3.5	6.67	0.42	0.80
Drum Coating, New, Exterior	2.8	4.52	0.34	0.54
Drum Coating, New, Interior	3.5	6.67	0.42	0.80
Drum Coating, Reconditioned, Exterior	3.5	6.67	0.42	0.80
Drum Coating, Reconditioned, Interior	4.2	9.78	0.50	1.17
Powder Coating	0.4	Does not apply	0.05	Does not apply
8. Surface Coating of Miscellaneous Plastic Parts and Products				
General, One Component	2.3	3.35	0.28	0.40
General, Multi-Component	3.5	6.67	0.42	0.80
Electric Dissipating Coatings and Shock-Free Coatings	6.7	74.7	0.80	8.96
Extreme Performance	3.5 (2-pack coatings)	6.67 (2-pack coatings)	0.42 (2-pack coatings)	0.80 (2-pack coatings)
Metallic	3.5	6.67	0.42	0.80
Military Specification	2.8 (1 pack) 3.5 (2 pack)	4.52 (1 pack) 6.67 (2 pack)	0.34 (1pack) 0.42 (2pack)	0.54 (1pack) 0.80 (2pack)

Table 1. Surface Coating Industries				
Affected Facility	**Daily Weighted Average VOC Emission Limitation**			
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Lbs. per Gal. of Solids**	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**	**Kgs. per Liter of Solids**
Mold Seal	6.3	43.7	0.76	5.24
Multi-Colored Coatings	5.7	25.3	0.68	3.04
Optical Coatings	6.7	74.7	0.80	8.96
Vacuum Metalizing	6.7	74.7	0.80	8.96
9. Surface Coating of Automotive/Transportation Plastic Parts				
a. High Bake Coatings–Interior and Exterior Parts				
Flexible Primer	4.5	11.58	0.54	1.39
Non-Flexible Primer	3.5	6.67	0.42	0.80
Base Coat	4.3	10.34	0.52	1.24
Clear Coat	4.0	8.76	0.48	1.05
Non-Base Coat/Clear Coat	4.3	10.34	0.52	1.24
b. Low Bake/Air Dried Coatings–Exterior Parts				
Primer	4.8	13.80	0.58	1.66
Base Coat	5.0	15.59	0.60	1.87
Clear Coat	4.5	11.58	0.54	1.39
Non-Base Coat/Clear Coat	5.0	15.59	0.60	1.87
c. Low Bake/Air Dried Coatings–Interior Parts	5.0	15.59	0.60	1.87
d. Touch Up and Repair Coatings	5.2	17.72	0.62	2.13
For red, yellow, and black auto coatings, except touch up and repair coatings, the limit is determined by multiplying the appropriate limit in Item 9 of this Table by 1.15.				
10. Surface Coating of Business Machine Plastic Parts				
Primer	2.9	4.80	0.35	0.57
Topcoat	2.9	4.80	0.35	0.57
Texture Coat	2.9	4.80	0.35	0.57
Fog Coat	2.2	3.14	0.26	0.38
Touch Up and Repair	2.9	4.80	0.35	0.57
11. Surface Coating of Pleasure Craft				
Extreme High Gloss Topcoat	4.1	9.2	0.49	1.10
High Gloss Topcoat	3.5	6.7	0.42	0.80
Pretreatment Wash Primer	6.5	55.6	0.78	6.67
Finish Primer/Surfacer	3.5	6.7	0.42	0.80
High Build Primer Surfacer	2.8	4.6	0.34	0.55

Table 1. Surface Coating Industries				
Affected Facility	**Daily Weighted Average VOC Emission Limitation**			
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Lbs. per Gal. of Solids**	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**	**Kgs. per Liter of Solids**
Aluminum Substrate Antifoulant Coating	4.7	12.8	0.56	1.53
Other Substrate Antifoulant Coating	2.8	4.4	0.33	0.53
All Other Pleasure Craft Surface Coatings (for Metal or Plastic)	3.5	6.7	0.42	0.80

Table 1. Surface Coating Industries		
Affected Facility	**Daily Weighted Average VOC Emission Limitation**	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**
12. Surface Coating of Motor Vehicle Materials		
Motor Vehicle Cavity Wax	5.4	0.65
Motor Vehicle Sealer	5.4	0.65
Motor Vehicle Deadener	5.4	0.65
Motor Vehicle Gaskets/Gasket-Sealing Material	1.7	0.20
Motor Vehicle Underbody Coating	5.4	0.65
Motor Vehicle Trunk Interior Coating	5.4	0.65
Motor Vehicle Bedliner	1.7	0.20
Motor Vehicle Lubricating Wax/Compound	5.8	0.70
The limits in Items 7-12 of this Table do not apply to operations covered in Items 1-6 or 13-17 herein, or to aerosol coatings, architectural coatings, or automobile refinish coatings.		
13. Factory Surface Coatings of Flat Wood Paneling with VOC Emissions Greater Than 15 Pounds Per Day Before Controls		
All Inks, Coatings, and Adhesives	2.1	0.25
14. Surface Coatings for Marine Vessels and Oilfield Tubulars and Ancillary Oilfield Equipment		
a. Except as otherwise provided in this Section, a person shall not apply a marine coating with a VOC content in excess of the following limits:		
Baked Coatings	3.5	0.42

Table 1. Surface Coating Industries		
Affected Facility	**Daily Weighted Average VOC Emission Limitation**	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**
Air-Dried, Single-Component Alkyd or Vinyl Flat or Semi-Gloss Finish Coatings	3.5	0.42
Two Component Coatings	3.5	0.42
b. Except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, in which the VOC limitations in Item 14.a of this Table may not be exceeded, specialty marine coatings and coatings on oilfield tubulars and ancillary oilfield equipment with a VOC content not in excess of the following limits may be applied:		
Heat Resistant	3.5	0.42
Metallic Heat Resistant	4.42	0.53
High Temperature (Fed. Spec. TT-P-28)	5.41	0.65
Pre-Treatment Wash Primer	6.5	0.78
Underwater Weapon	3.5	0.42
Elastomeric Adhesives With 15 Percent by Weight Natural or Synthetic Rubber	6.08	0.73
Solvent-Based Inorganic Zinc Primer	5.41	0.65
Pre-Construction and Interior Primer	3.5	0.42
Exterior Epoxy Primer	3.5	0.42
Navigational Aids	3.5	0.42
Sealant for Wire-Sprayed Aluminum	5.4	0.648
Special Marking	4.08	0.49
Tack Coat (Epoxies)	5.08	0.61
Low Activation Interior Coating	4.08	0.49
Repair and Maintenance Thermoplastic	5.41	0.65
Extreme High Gloss Coating	4.08	0.49
Antenna Coating	4.42	0.53
Antifoulant	3.66	0.44
High Gloss Alkyd	3.5	0.42
Anchor Chain Asphalt Varnish (Fed. Spec. TT-V-51)	5.2	0.62

Table 1. Surface Coating Industries		
Affected Facility	**Daily Weighted Average VOC Emission Limitation**	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	**Kgs. per Liter of Coating as applied (minus water and exempt solvent)**
Wood Spar Varnish (Fed. Spec. TT-V-119)	4.1	0.492
Dull Black Finish Coating (DOD-P-15146)	3.7	0.444
Tank Coating (DOD-P-23236)	3.5	0.42
Potable Water Tank Coating (DOD-P-23236)	3.7	0.444
Flight Deck Markings (DOD-C-24667)	4.2	0.504
Vinyl Acrylic Top Coat	5.4	0.648
Antifoulant Applied to Aluminum Hulls	4.5	0.55

Table 1. Surface Coating Industries		
Affected Facility	**Daily Weighted Average VOC Emission Limitation**	
	Kgs. VOC/Kgs. Solids (Lbs. VOC/Lbs. Solids)	**Kgs. VOC/Kgs. Coating (Lbs. VOC/Lbs. Coating)**
15. Surface Coating of Paper, Film, Foil, Pressure-Sensitive Tape, and Labels		
Paper, Film, and Foil	0.40	0.08
Pressure-Sensitive Tape and Labels	0.20	0.067

Table 1. Surface Coating Industries			
Affected Facility	**Daily Weighted Average VOC Emission Limitation**		
	Lbs. per Gal. of Deposited Solids	**Kgs. per Liter of Deposited Solids**	
16. Surface Coating of Assembly Line Automobiles and Light Duty Trucks			
Primer-Surfacer Operations (Including Application Area, Flashoff Area, and Oven)	12.0	1.44	
Topcoat Operations (Including Application Area, Flashoff Area and Oven)	12.0	1.44	
Final Repair Operations (Including Flashoff Area and Oven)	4.8	0.58	
Combined Primer-Surfacer and Topcoat Operations	12.0	1.44	
Electrodeposition Primer Operations (Including Application Area, Spray/Rinse Stations, and Curing Oven)	**When Solids Turnover Ratio is $R_T \geq 0.16$**	**When $0.040 \leq R_T < 0.160$**	**When $R_T < 0.040$**
	0.084 kgs./liter (0.7 lbs./gal.) coating solids applied	0.084 x $350^{0.160-R_T}$ kgs./liter (0.084 x $350^{0.160-R_T}$ x 8.34 lbs./gal.) coating solids applied	No VOC emission limit

Table 1. Surface Coating Industries		
Affected Facility	**Daily Weighted Average VOC Emission Limitation**	
	Lbs. VOC per Gal. of Adhesive or Adhesive Primer (minus water and exempt compounds)	**Grams VOC per Liter of Adhesive or Adhesive Primer (minus water and exempt compounds)**
17. General and Specialty Adhesive Application Processes		
a. General Adhesive Application Process		
Reinforced Plastic Composite	1.7	200
Flexible Vinyl	2.1	250
Metal	0.3	30
Porous Material (Except Wood)	1.0	120
Rubber	2.1	250
Wood	0.3	30
Other Subtrates	2.1	250
b. Specialty Adhesive Application Processes		
Ceramic Tile Installation	1.1	130
Contact Adhesive	2.1	250
Cove Base Installation	1.3	150
Floor Covering Installation (Indoor)	1.3	150
Floor Covering Installation (Outdoor)	2.1	250
Floor Covering Installation (Perimeter Bonded Sheet Vinyl)	5.5	660
Metal to Urethane/Rubber Molding or Casting	7.1	850
Motor Vehicle Adhesive	2.1	250
Motor Vehicle Weather Strip Adhesive	6.3	750
Multipurpose Construction	1.7	200
Plastic Solvent Welding (ABS)	3.3	400
Plastic Solvent Welding (Except ABS)	4.2	500
Sheet Rubber Lining Installation	7.1	850
Single-Ply-Roof Membrane Installation/Repair (Except EPDM)	2.1	250
Structural Glazing	0.8	100
Thin Metal Laminating	6.5	780
Tire Repair	0.8	100
Waterproof Resorcinol Glue Application	1.4	170
c. Adhesive Primer Application Processes		
Motor Vehicle Glass Bonding Primer	7.5	900
Plastic Solvent Welding Adhesive Primer	5.4	650
Single-Ply Roof Membrane Adhesive Primer	2.1	250
Other Adhesive Primer	2.1	250

Table 1. Surface Coating Industries		
18. Fiberglass Boat Manufacturing Materials		
For this material —	And this application method —	This weighted average monomer VOC content (weight percent) limit is —
Production resin	Atomized (spray)	28
Production resin	Nonatomized	35
Pigmented gel coat	Any method	33
Clear gel coat	Any method	48
Tooling resin	Atomized	30
Tooling resin	Nonatomized	39
Tooling gel coat	Any method	40

D. Control Techniques

1. If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, in terms of pounds per gallon of solids as applied (determined in accordance with Paragraph D.8 of this Section), the volatile organic compound capture and abatement system shall be at least 80 percent efficient overall (85 percent for industrial cleaning solvents, and miscellaneous industrial adhesive operations; and 90 percent for factory surface coating of flat wood paneling, surface coating of metal furniture, large appliance coating, surface coating of miscellaneous metal parts and products, surface coating of miscellaneous plastic parts and products, surface coating of automotive/transportation plastic parts, surface coating of business machine plastic parts, surface coating of pleasure craft, surface coating of paper, film, foil, pressure-sensitive tape, and labels, and surface coating of motor vehicle materials). All surface coating facilities shall submit to the Office of Environmental Services, for approval, design data for each capture system and emission control device that is proposed for use. The effectiveness of the capture system (i.e., capture efficiency) shall be determined using the procedure specified in Paragraph E.6 of this Section.

2. – 3. …

4. Compliance with the emission limits established in Table 1, Item 16 of Subsection C of this Section shall be determined in accordance with EPA's "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light Duty Truck Topcoat Operations", EPA 453/R-08-002, September, 2008.

5. …

6. Surface coating facilities on any property in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes that when controlled have a potential to emit, at maximum production, a combined weight (total from the property) of VOCs less than 10 tons in any consecutive 12 calendar months are exempt from the provisions of Subsection C of this Section. Surface coating facilities on any property in parishes other than Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that when uncontrolled have a potential to emit a combined weight of VOCs less than 100 pounds (45 kilograms) in any consecutive 24-hour period or 10 tons in any consecutive 12 calendar months are exempt from the provisions of Subsection C of this Section. Any surface coating facility with VOC emissions of less than or equal to 15 pounds (6.8 kilograms) per day is exempt from the provisions of Table 1, Items 1, 7, and 15 of Subsection C of this Section.

7. – 9. …

10. Control techniques for use of industrial cleaning solvents include:

a. covering open containers and used applicators;

b. minimizing air circulation around cleaning operations;

c. properly disposing of used solvent and shop towels;

d. implementing equipment practices that minimize emissions (e.g., keeping arts cleaners covered, maintaining cleaning equipment to repair solvent leaks, etc.); and

e. employing cleaning material with a VOC content limit of 50 grams VOC per liter (0.42 lb./gal.), or a composite vapor pressure of 8 millimeters of mercury at 20 degrees Celsius.

11. Cleaning operations in the course of the following categories are excluded from the requirements of Paragraph D.10 of this Section:

a. aerospace coating;

b. wood furniture coating;

c. application of coatings in shipbuilding and ship repair;

d. flexible packaging printing;

e. lithographic printing;

f. letterpress printing;

g. flat wood paneling coating;

h. large appliance coating;

i. metal furniture coating;

j. paper, film and foil coating;

k. plastic parts coating;

l. miscellaneous metals parts coating;

m. fiberglass boat manufacturing;

n. application of miscellaneous industrial adhesives; and

o. auto and light-duty truck assembly coating.

12. VOC content and vapor pressure limits applicable in cleaning activities in fiberglass boat manufacturing are as follows:

a. VOC cleaning solvents for routine application equipment cleaning shall contain no more than 5 percent VOC by weight, or have a composite vapor pressure of no more than 0.50 millimeters of mercury at 20 degrees Celsius.

b. Non-VOC solvents shall be used to remove cured resin and gel coat from application equipment.

13. When applying adhesives, one of the following application methods must be used:

a. electrostatic spray;

b. HVLP spray;

c. flow coat;

d. roll coat or hand application, including non-spray application methods similar to hand application or mechanically powered caulking gun, brush, or direct hand application;

e. dip coat (including electrodeposition);

f. airless spray;

g. air-assisted airless spray; and

h. other adhesive application methods capable of achieving a transfer efficiency equivalent to or better than that achieved by HVLP spraying.

E. – F.4. …

G. Mandatory Work Practices for Surface Coating. The owner/operator of any facility performing factory surface coating shall comply with the following mandatory work practices:

G.1. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010).

Subchapter F. Gasoline Handling

§2131. Filling of Gasoline Storage Vessels

A. Applicability. This regulation is applicable to each gasoline handling facility in the parishes of Bossier, Caddo, Beauregard, Calcasieu, Livingston, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard, and Grant. Any parish to which this regulation does not apply remains subject to the requirements of 40 CFR 63, Subpart CCCCCC.

B. Control Requirements. No person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage container unless such container is equipped with a submerged fill pipe and unless the displaced vapor emissions from submerged filling of the container are processed by a vapor recovery system that reduces such emissions by at least 90 percent.

C. Approved Vapor Balance System. When a vapor balance system is used to comply with the above vapor recovery system control requirement, the balance system will be assumed to meet the specified control requirement if the following conditions are met.

1. A vapor-tight return line having an internal cross-sectional area at least one-half that of the liquid line is connected before gasoline is transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be conducted by the owner or the operator of the gasoline outlet and the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

2. The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

3. The delivery vessel is kept vapor-tight at all times with vapor recovery equipment. The delivery vessel must be in compliance with LAC 33:III.2137. The vapor-laden delivery vessel may only be refilled at bulk gasoline plants complying with LAC 33:III.2133 or bulk gasoline terminals complying with LAC 33:III.2135.

D. Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in Subsection B of this Section is provided to the administrative authority. Approval of any alternate vapor balance system shall not be valid unless it is received from the administrative authority in writing.

E. Exemptions. The following are exempt from the requirements of Subsection B of this Section:

1. transfers made to storage tanks with a capacity greater than 40,000 gallons (151,400 liters) and equipped with controls as required by LAC 33:III.2103 of these regulations;

2. any gasoline outlet in the parish of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee or West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year, or any gasoline outlet in the parish of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, or St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parish of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, or West Baton Rouge, or 42,000 gallons for a facility in the parish of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, or St. Mary, that facility becomes an affected facility, and does not revert to an exempted facility when the throughput drops back below the throughput exemption level;

3. tanks with a capacity of 2,000 gallons or less installed before January 1, 1979, and new tanks with a capacity of 250 gallons or less installed after December 31, 1978; and

4. tanks having a capacity of less than 550 gallons used exclusively for the fueling of farm implements and having a submerged fill line.

F. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate:

1. Test Method 27 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of vapor tightness of gasoline delivery tanks using pressure-vacuum test;

2. Guideline report EPA-450/2-78-051, Appendix B, Gasoline Vapor Leak Detection Procedure by Combustible Gas Detector;

3. Test Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of volatile organic compound leaks.

G. Recordkeeping. The owner or operator of any operation that is involved with storing gasoline in any stationary container and required to comply with this Section shall maintain records to verify compliance with this Section. The records shall be maintained for at least two years and shall include, but not be limited to, the following:

1. the date of delivery of each shipment of gasoline, and the certificate number and date of certification of each delivery vehicle that delivers a shipment. Any owner or operator subject to this Section shall not accept delivery of gasoline from any gasoline tank truck that does not comply with LAC 33:III.2137.A.2;

[NOTE: All gasoline tank trucks must have a sticker displayed on each tank indicating the identification number of the tank and the date each tank last passed the pressure and vacuum test described in LAC 33:III.2137.A.1. Each tank must be certified annually and the sticker must be displayed near the Department of Transportation certification plate. Any repairs necessary to pass the specified requirements must be made within 15 days of failure.]

2. the date and a description of any malfunction, repair, replacement or modification of control systems or control equipment required to be used in the transfer of gasoline from the gasoline tank truck to a stationary storage tank. If the problem is with equipment on the tank truck, the name of the owner or operator of the tank truck, the truck identification number, the date the problem occurred, and the driver's name shall be recorded as part of the description; and

3. records of any testing requested by the administrative authority to prove compliance with this Section or any testing done by the owner or operator on a voluntary basis.

H. Implementation Schedule. Facilities must be in compliance with this Section within six months after becoming an affected facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:193 (February 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1534 (July 2010).

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste
Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Batch Tank—a device meeting the definition of *tank* in this Section that receives a batch (or batches) of hazardous waste on a one-time or intermittent basis.

* * *

Continuous-Flow Tank—a device meeting the definition of *tank* in this Section that receives hazardous waste on an ongoing, continuous basis.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010).

Chapter 11. Generators
Subchapter A. General

§1109. Pre-Transport Requirements

A. - D. ...

E. Accumulation Time

1. - 1.a.i. …

ii. in tanks and the generator complies with the applicable requirements of LAC 33:V. 1901.E; and/or

E.1.a.iii. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:622 (April 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010).

Chapter 19. Tanks

§1901. Applicability

A. The requirements of this Chapter apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste except as otherwise provided in Subsections A and B of this Section or LAC 33:V.1501.

B. Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements of LAC 33:V.1907. To demonstrate the absence or presence of free liquids in the stored/treated waste, the following test method must be used: EPA Method 9095B (Paint Filter Liquids Test) as described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, as incorporated by reference in LAC 33:V.110.

C. Tank systems, including sumps, as defined in LAC 33:V.109, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in LAC 33:V.1907.A.

D. Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in LAC 33:V.109 and regulated under LAC 33:V.Chapter 28, must meet the requirements of this Chapter.

E. Tanks meeting the requirements for the accumulation time exclusion of LAC 33:V.305.C and 1109.E.1 are subject to the requirements of LAC 33:V.1903.A, 1905.B-H, 1907.A, 1907.B-K, 1909, 1911, 1913, 1915.D, 1917, 1919, and 1921.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1107 (June 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1013 (June 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010).

§1907. Containment and Detection of Releases

A. - D.4....

E. In addition to the requirements of Subsections B-D of this Section, secondary containment systems must satisfy the following requirements.

1. External liner systems must be:

a. - b. ...

c. free of cracks or gaps;

d. designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s);

e. impermeable to the extent that it will prevent lateral as well as vertical migration of waste into the environment (this is not intended to address releases to the air); and

f. if concrete is used as an external liner system:

i. the liner system must be:

(a). provided with a coating or lining that is compatible with the stored waste and meets the requirements of Subparagraph E.1.d and e of this Section except as specified in Clause E.1.f.ii and Subsection J of this Section;

(b). constructed with chemical-resistant water stops in place at all joints (if any), in liner systems installed after June 20, 2010 and in liner systems undergoing significant modification after June 20, 2010; and

(c). constructed with chemical-resistant joint sealants at all joints and cracks (if any);

ii. the owner or operator of a tank equipped with an uncoated/unlined concrete external liner system may demonstrate compliance with Subclause E.1.f.i.(a) of this Section by submitting the information described in Subsection J of this Section for review and obtaining written approval by the Office of Environmental Services.

2. Vault systems must be:

a. - c. ...

d. constructed with chemical-resistant joint sealants at all joints and cracks (if any), in vault systems installed after June 20, 2010, and in vault systems undergoing significant modification after June 20, 2010;

e. provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

f. provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

i. meets any of the definitions of ignitable waste under LAC 33:V.4903.B; or

ii. meets the definition of reactive waste under LAC 33:V.4903.D, and may form an ignitable or explosive vapor; and

g. provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

E.3. - I.5. ...

J. Unlined/Uncoated Concrete Liner Systems—Demonstration of Sufficiency Process

1. Submittals to the Office of Environmental Services intended to secure its approval of uncoated/unlined concrete liner systems, as provided for in Clause E.1.f.ii of this Section, must contain documentation regarding the information described below.

a. The owner or operator must provide detailed information on the uncoated/unlined external liner, including, but not limited to:

i. the design and installation specifications for any concrete joints, including water stops;

ii. the characteristics of any joint sealant used, including its compatibility with the waste stored in the tank system; and

iii. the characteristics of the concrete mix used, the design and construction specifications of the concrete liner and secondary containment system, and any American Concrete Institute or other applicable standards used.

b. The owner or operator must also provide the following information:

i. the physical and chemical characteristics of the waste in the tank system, including its potential for migration and its compatibility with the unlined/uncoated concrete external liner system;

ii. the persistence and permanence of the potential adverse effects from a release of the waste constituents to the environment;

iii. the risk to human health and the environment posed by a potential release of the waste constituents contained in the tank to the soil or groundwater;

iv. any factor that specifically influences the potential mobility of the waste contained in the tank and its potential to migrate through the unlined/uncoated concrete external liner system to the environment;

v. any additional protections afforded by the design and construction of the tank system, such as tank liners, lined piping, welded flanges, double bottoms, and/or elevation of the tank above the unlined/uncoated concrete external liner; and

vi. any other information requested by the administrative authority.

2. Submittals may also contain other documentation demonstrating that an unlined/uncoated concrete external liner system is appropriate, such as documentation regarding the following:

a. any natural or man-made hydrogeological characteristic of the facility and surrounding land that affords a barrier to the migration of waste into the environment;

b. any applicable regulation or permit requirement, or standard, such as, for example:

i. any schedule of more frequent than normal internal inspection of the tank pursuant to appropriate standards (e.g. American Petroleum Institute (API), American Society of Mechanical Engineers (ASME), etc.);

ii. any schedule of more frequent than normal external inspection of the tank pursuant to appropriate standards (e.g. API, ASME, etc.);

iii. any certification by a registered professional engineer regarding the permeability of the concrete that comprises the concrete liner system; and

c. the cost of installing and maintaining an impermeable coating or lining versus the potential benefits to be derived therefrom.

3. In deciding whether to approve the use of an unlined/uncoated concrete external liner system in lieu of the requirements of Subclause E.1.f.i.(a) of this Section:

a. the administrative authority shall consider each submittal on its own merits;

b. the stringency of the administrative authority's requirements may vary depending on the tank's contents (e.g., the concentration or type of material involved); and

c. the administrative authority shall approve the use of an unlined/uncoated concrete external liner system if it reasonably determines that the unlined/uncoated concrete external liner system:

i. will prevent lateral and vertical migration of waste into the environment; or

ii. is otherwise appropriate based on the potential risk to human health and the environment.

4. Within 30 days after receipt of an administratively complete submittal pursuant to this Subsection, the department shall provide written acknowledgment to the owner or operator that the submittal is under consideration. Subclause E.1.f.i.(a) of this Section shall not apply to the concrete external liner system while the administrative authority considers the owner's or operator's submittal. The administrative authority shall notify the owner or operator in writing of the administrative authority's approval or disapproval of the proposed use of an unlined/uncoated concrete external liner system. If the administrative authority does not approve the use of an unlined/uncoated concrete external liner system, it shall give the owner or operator a reasonable period of time to provide an appropriate coating or lining for the concrete external liner system, or another acceptable means of secondary containment.

5. If the use of an unlined/uncoated concrete external liner system is approved:

a. the owner or operator shall maintain on-site:

i. the written approval received from the administrative authority, or a legible copy thereof; and

ii. documentation sufficient to establish that any conditions upon which that approval was based are being fulfilled; and

b. the owner or operator shall provide written notification to the Office of Environmental Services of any change in the tank system, the service of the tank system, the concrete external liner system, the waste stored in the tank(s), or the information submitted by the owner or operator pursuant to Paragraph 1 or 2 of this Subsection that could result in a significant increase in the risk to human health or the environment posed by a potential release of waste constituents contained in the tank(s). Such notice shall be provided within 15 days of the owner's or operator's discovery of any such change. The department thereafter may require the submittal of additional information by the owner or operator, and/or revoke the approval for the owner's or operator's continued use of the unlined/uncoated concrete external liner system.

K. Effective Date/Due Date

1. Subparagraph E.1.f of this Section shall be effective:

a. one year from June 20, 2010, for tanks meeting the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1109.E.1; and

b. 180 days from June 20, 2010, for tanks subject to permitting.

2. Submittals under Subsection J of this Section shall be due:

a. within one year from June 20, 2010, for tanks existing prior to this date and that meet the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1109.E.1;

b. within 180 days from June 20, 2010, for tanks existing prior to this date and that are subject to permitting;

c. prior to tank installation, for tanks and/or tank systems installed after June 20, 2010 that meet the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1109.E.1;

d. contemporaneously with the submittal of the permit application, for new tanks and/or tank systems that are installed after June 20, 2010 and are subject to permitting; and

e. within such reasonable period of time as shall be established by the administrative authority upon request by the owner or operator, for any tank that is installed or undergoes a change in service within one year of June 20, 2010.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:995 (June 2008), LR 34:1896 (September 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010).

§1909. General Operating Requirements

A. - C. ...

D. Owners or operators must provide documentation, maintained on-site, that batch tanks subject to the accumulation time exclusion of LAC 33:V.1109.E have been emptied and cleaned of all residues and/or sludges at least once in each 90-day period.

1. A batch tank is deemed emptied and cleaned for the purposes of this Subsection if it has been emptied to the maximum extent practicable and:

a. - b. …

2. Notwithstanding the provisions of Paragraph D.1 of this Section, except to the extent otherwise approved by the administrative authority, batch tanks subject to the exclusion of LAC 33:V.1109.E must be completely emptied and cleaned once per year to a level sufficient to allow visual inspection of all tank interior surfaces.

E. Owners or operators must provide documentation, maintained on-site, that continuous-flow tanks subject to the accumulation time exclusion of LAC 33:V.1109.E have been emptied at least once in each 90-day period.

1. A continuous-flow tank is deemed emptied if the owner or operator can demonstrate, via a mass balance approach and appropriate documentation or methodology, that hazardous waste has not been stored therein for more than 90 days. The key parameters in the mass balance approach are the volume of the tank (e.g., 6,000 gallons), the daily throughput of the hazardous waste (e.g., 300 gallons per day), and the time period the hazardous waste "resides" in the tank. In this example, the hazardous waste would have a residence time of 20 days ((6,000 gallons/300 gallons per day) = 20 days) and would meet the requirements of LAC 33:V.1109.E since the hazardous waste has been in the tank for less than 90 days.

2. The documentation or methodology that is used by the owner or operator to confirm a continuous-flow tank's compliance with Paragraph E.1 of this Section must be reasonable and easily discernible to the department.

3. A continuous-flow tank in which a significant amount of residue or sludge is accumulated may not qualify for the exclusion of LAC 33:V.1109.E. Therefore, the owner or operator of a continuous-flow tank for which that exclusion is claimed must ensure that significant accumulation of residue or sludge does not occur in the tank by satisfying the requirements either of Subsection D of this Section (in which case the words "continuous-flow tank" shall be substituted for the words "batch tank" in each instance where "batch tank" appears in that Subsection), or of Paragraph E.4 of this Section.

4. The owner or operator must provide documentation, maintained on-site, establishing that significant accumulations of residue or sludge do not occur within the tank; i.e., almost all residues or sludges in the tank at the beginning of the 90-day period have been removed (or displaced by incoming waste or newly-formed residues or sludges) by the end of the ninetieth day. The determination of what constitutes "significant accumulation of residue or sludge" shall be made on a case-by-case basis. However, no significant accumulation of residues or sludges shall be deemed to have occurred if the residues or sludges that accumulate in the tank constitute less than 5 percent by volume of the total tank capacity. To the extent that there is no significant accumulation of residue or sludge in the tank, the one-year storage prohibition under LAC 33:V.2205 shall not apply to any residue or sludge contained therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1804 (October 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1237 (June 2010), repromulgated LR 36:1538 (July 2010).

Chapter 43. Interim Status

Subchapter I. Tanks

§4437. Containment and Detection of Releases

A. - D.4. ...

E. In addition to the requirements of Subsections B-D of this Section, secondary containment systems must satisfy the following requirements.

1. External liner systems must be:

a. - b. ...

c. free of cracks or gaps;

d. designed and installed to completely surround the tank and cover all surrounding earth likely to come into contact with the waste if released from the tank(s);

e. impermeable to the extent that it will prevent lateral as well as vertical migration of waste into the environment (this is not intended to address releases to the air); and

f. if concrete is used as an external liner system:

i. the liner system must be:

(a). provided with a coating or lining that is compatible with the stored waste and meets the requirements of Subparagraph E.1.d and e of this Section, except as specified in Clause E.1.f.ii and Subsection J of this Section;

(b). constructed with chemical-resistant water stops in place at all joints (if any), in liner systems installed after June 20, 2010 and in liner systems undergoing significant upgrade after June 20, 2010; and

(c). constructed with chemical-resistant joint sealants at all joints and cracks (if any);

ii. the owner or operator of a tank equipped with an uncoated/unlined concrete external liner system may demonstrate compliance with Subclause E.1.f.i.(a) of this Section by submitting the information described in Subsection J of this Section for review and obtaining written approval by the Office of Environmental Services.

2. Vault systems must be:

a. - c. ...

d. constructed with chemical-resistant joint sealants at all joints and cracks (if any), in vault systems installed after June 20, 2010 and in vault systems undergoing significant upgrade after June 20, 2010;

e. provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

f. provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

i. meets any of the definitions of ignitable waste under LAC 33:V.4903.B; or

ii. meets the definition of reactive waste under LAC 33:V.4903.D, and may form an ignitable or explosive vapor; and

g. provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

E.3. - I.4. ...

J. Unlined/Uncoated Concrete Liner Systems─Demonstration of Sufficiency Process

1. Submittals to the Office of Environmental Services intended to secure its approval of uncoated/ unlined concrete liner systems, as provided for in Clause E.1.f.ii of this Section, must contain documentation regarding the information described below.

a. The owner or operator must provide detailed information on the uncoated/unlined external liner, including, but not limited to:

i. the design and installation specifications for any concrete joints, including water stops;

ii. the characteristics of any joint sealant used, including its compatibility with the waste stored in the tank system; and

iii. the characteristics of the concrete mix used, the design and construction specifications of the concrete liner and secondary containment system, and any American Concrete Institute or other applicable standards used.

b. The owner or operator must also provide the following information:

i. the physical and chemical characteristics of the waste in the tank system, including its potential for migration and its compatibility with the unlined/uncoated concrete external liner system;

ii. the persistence and permanence of the potential adverse effects from a release of the waste constituents to the environment;

iii. the risk to human health and the environment posed by a potential release of the waste constituents contained in the tank to the soil or groundwater;

iv. any factors that specifically influence the potential mobility of the waste contained in the tank and its potential to migrate through the unlined/uncoated concrete external liner system to the environment;

v. any additional protections afforded by the design and construction of the tank system; such as tank liners, lined piping, welded flanges, double bottoms, and/or elevation of the tank above the unlined/uncoated concrete external liner; and

vi. any other information requested by the administrative authority.

2. The submittal may also contain other documentation demonstrating that an unlined/uncoated concrete external liner system is appropriate, such as documentation regarding the following:

a. any natural or man-made hydrogeological characteristic of the facility and surrounding land that affords a barrier to the migration of waste into the environment;

b. any applicable regulation or permit requirement, or standard, such as, for example:

i. any schedule of more frequent than normal internal inspection of the tank pursuant to appropriate standards (e.g. American Petroleum Institute (API), American Society of Mechanical Engineers (ASME), etc.);

ii. any schedule of more frequent than normal external inspection of the tank pursuant to appropriate standards (e.g. API, ASME, etc.);

iii. any certification by a registered professional engineer regarding the permeability of the concrete that comprises the concrete liner system; and

c. the cost of installing and maintaining an impermeable coating or lining versus the potential benefits to be derived therefrom.

3. In deciding whether to approve the use of an unlined/uncoated concrete external liner system in lieu of the requirements of Subclause E.1.f.i.(a) of this Section:

a. the administrative authority shall consider each submittal on its own merits;

b. the stringency of the administrative authority's requirements may vary depending on the tank's contents (e.g., the concentration or type of material involved); and

c. the administrative authority shall approve the use of an unlined/uncoated concrete external liner system if it reasonably determines that the unlined/uncoated concrete external liner system:

i. will prevent lateral and vertical migration of waste into the environment; or

ii. is otherwise appropriate based on the potential risk to human health and the environment.

4. Within 30 days after receipt of an administratively complete submittal pursuant to this Subsection, the department shall provide written acknowledgment to the owner or operator that the submittal is under consideration. Subclause E.1.f.i.(a) of this Section shall not apply to the concrete external liner system while the administrative authority considers the owner's or operator's submittal. The administrative authority shall notify the owner or operator in writing of the administrative authority's approval or disapproval of the proposed use of an unlined/uncoated concrete external liner system. If the administrative authority does not approve the use of an unlined/uncoated concrete external liner system, it shall give the owner or operator a reasonable period of time to provide an appropriate coating or lining for the concrete external liner system, or another acceptable means of secondary containment.

5. If the use of an unlined/uncoated concrete external liner system is approved:

a. the owner or operator shall maintain on-site:

i. the written approval received from the administrative authority, or a legible copy thereof; and

ii. documentation sufficient to establish that any conditions upon which that approval was based are being fulfilled; and

b. the owner or operator shall provide written notification to the Office of Environmental Services of any change in the tank system, the service of the tank system, the concrete external liner system, the waste stored in the tank(s), or the information submitted by the owner or operator pursuant to Paragraph 1 or 2 of this Subsection that could result in a significant increase in the risk to human health or the environment posed by a potential release of the waste constituents contained in the tank(s). Such notice shall be provided within 15 days of the owner's or operator's discovery of any such change. The department thereafter may require the submittal of additional information by the owner or operator, and/or revoke the approval for the owner's or operator's continued use of the unlined/uncoated concrete external liner system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2507 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2482 (October 2005), LR 33:2134 (October 2007), LR 34:1004 (June 2008), LR 34:1899 (September 2008), LR 36:1238 (June 2010), repromulgated LR 36:1539 (July 2010).

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 1. Water Pollution Control
Chapter 9. Spill Prevention and Control

§901. Purpose and Scope

A. This Chapter establishes requirements for contingency planning and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill events. For the purpose of this Chapter, *spill event* means the accidental or unauthorized leaking or releasing of a substance from its intended container or conveyance structure that has the potential to be discharged or results in a discharge to the waters of the state. Discharges resulting from circumstances identified, reviewed, and made part of the public record with respect to a valid LPDES permit are not considered spill events.

B.-C. ...

D. Definitions. The following definitions apply to terms used in this Chapter. Definitions of other terms and meanings of abbreviations are set forth in LAC 33:IX.107.

Oil—any kind or form of oil, including but not limited to: fats, oils, or greases from animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and other oils and greases including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, and oil mixed with waste other than dredged spoil.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1779 (August 2010).

§903. Applicability

A. The provisions of this Chapter apply to:

1. all substances listed in LAC 33:I.3931 of the Notification Regulations and Procedures For Unauthorized Discharges, other than *oil* as defined in LAC 33:IX.901.D, that are in liquid form at temperatures ranging between 0° and 35°C and pressures at or near 760 mm Hg;

2. *oil* as defined in LAC 33:IX.901.D; and

3. any other substance that the administrative authority declares, in light of the circumstances presented, offers sufficient danger of pollution of the waters of the state to justify application of the provisions of this Chapter.

B. The minimum aboveground storage capacity at which Paragraph A.1 of this Section applies is 1,320 U.S. gallons for two or more individual containers in aggregate within a common storage area, or 660 U.S. gallons for an individual container.

C. The minimum aggregate aboveground storage capacity at which Paragraph A.2 of this Section applies is 1,320 U.S. gallons. For the purposes of this aggregate quantity determination, only containers with a capacity of 55 U.S. gallons or greater are counted.

D. The provisions of this Chapter apply also to any equipment or structures utilized for the conveyance or transfer (loading/unloading) of applicable substances to/from transportation vehicles or vessels to/from facility storage, processing, or disposal areas. For the purposes of this Chapter, the term *facility* includes those of fixed location when in operation, and that are land based or situated upon or within wetlands and/or surface waters of the state. The requirements of this Chapter shall not apply to off-site transmission pipelines.

E. The storage and conveyance applicability of this Chapter includes, but is not limited to, all substances meeting the applicability criteria outlined in Subsection of this Section, whether handled as raw materials, products, process intermediaries, byproducts, wastes, process catalysts, lubricants, or fuels.

F. The provisions of this Chapter shall not apply in those cases where applicable substances are stored within process equipment or conveyance structures located in process areas, provided that the drainage from these areas is routed via an LPDES treatment train to a permitted LPDES outfall.

G. The provisions of this Chapter do not require the preparation of a plan for storage or conveyance of substances in solid form except in instances or at facilities where there exists the potential for solid substances to be spilled, released or discharged either directly to waters of the state or to a flowing drainage conveyance that would immediately transport spilled solid substances to waters of the state. In such cases the requirements for preparation of a plan may apply to solid substances for which there is reasonable evidence or cause to believe that an appreciable degradation of water quality would result from a spill or release due to the nature and/or quantity of the solid substances handled. Even if it has been determined that the preparation of a plan is not required for the storage or conveyance of solid substances at a given facility, it is incumbent upon the operator of that facility to avoid potential contamination to the waters of the state.

H. Upon notification to the owner/operator of a facility and demonstration of reasonable cause, the administrative authority may require the preparation of a plan for substances not expressly covered by the applicability requirements of this Chapter.

I. The requirements of this Chapter are intended to complement existing laws, rules, regulations and standards pertaining to the prevention of water pollution. Compliance with this Chapter does not relieve the operator of a facility from compliance with other federal, state or local laws and regulations. Spill Prevention Control and Countermeasure

(SPCC) Plans prepared pursuant to 40 CFR Part 112, or manuals prepared relative to any other state or federal requirement, will be acceptable for inclusion in the plan required by this Chapter. A complete plan, however, shall address all applicable substances.

J. Underground Storage Containers—Reserved

K. Drum and Barrel Storage—Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1779 (August 2010).

§905. Requirements for Preparation and Implementation of Plans

A.-E. ...

F. Periodic Review of Plans. Operators of facilities shall review the plan every five years and shall amend the plan within 90 days of the review to include more effective prevention and control technology if such technology will significantly reduce the likelihood of a spill event and if such technology has been field proven at the time of the review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2545 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:2163 (October 2007), LR 36:1779 (August 2010).

§907. Guidelines for the Preparation and Implementation of a Plan

A. The plan shall be prepared in accordance with sound engineering practices. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items shall be discussed, and the details of installation and operational start-up shall be explained individually. The department recognizes that the designs of major facilities differ and that in certain cases the appropriate methods for spill prevention and control must be site-specific. While the guidelines presented herein suggest the use of specific methodologies for this purpose, alternate methods may be employed if it can be demonstrated to the satisfaction of the department that the alternate methods will adequately prevent and control spills, and that they are reasonably equivalent to the suggested methods. A complete plan shall follow the sequence outlined in LAC 33:IX.903.B-F.

B-H.5.b. ...

I. Personnel training and spill prevention procedures should be employed, and brief discussions of the following should be included in the plan.

1. Operators are responsible for properly instructing the appropriate personnel in the operation and maintenance of equipment to prevent or contain spills of substances that are subject to this Chapter's provisions, and all applicable spill control rules and regulations associated with substances present on the facility site that are subject to this Chapter's provisions.

I.2.-K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2545 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1780 (August 2010).

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection
Chapter 1. General Provisions

§102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

* * *

Authorized Nuclear Pharmacist—a pharmacist who:

1. is board certified as a nuclear pharmacist by the Board of Pharmaceutical Specialties; or

2. is identified as an authorized nuclear pharmacist on a department, licensing state, Nuclear Regulatory Commission, or agreement state license that authorizes the use of radioactive material in the practice of nuclear pharmacy; or

3. is identified as an authorized nuclear pharmacist on a permit issued by the department, licensing state, Nuclear Regulatory Commission, or agreement state specific licensee of broad scope authorized to permit the use of radioactive material in the practice of nuclear pharmacy; or

4. meets the requirements specified in LAC 33:XV.763.K and M.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:811 (May 2006), LR 32:1853 (October 2006), LR 33:1016 (June 2007), LR 33:2175 (October 2007), LR 34:982 (June 2008), LR 36:1771 (August 2010).

Chapter 3. Licensing of Radioactive Material

Subchapter D. Specific Licenses

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A.-J.2.b.i. …

ii. this individual meets the requirements specified in LAC 33:XV.763.K.2 and M and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist; or

J.2.b.iii.-K.2. ...

L. Licensing the Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use

1. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Chapter 7 for use as a calibration, transmission, or reference source or for the uses listed in LAC 33:XV.739, 741, and 747 of these regulations will be approved if the following conditions are met.

L.1.a.-M.4.g. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2526 (October 2005), LR 33:2179 (October 2007), LR 36:1771 (August 2010).

Chapter 7. Use of Radionuclides in the Healing Arts

§713. Suppliers

A. A licensee shall use for medical use only:

1. …

2. reagent kits that have been manufactured, labeled, packaged, and distributed in accordance with an approval issued by the U.S. Food and Drug Administration;

3. sealed sources or devices non-commercially transferred from a Nuclear Regulatory Commission Medical Licensee, a licensing state medical use licensee, or an agreement state medical use licensee; and

4. teletherapy sources manufactured and distributed in accordance with a license issued pursuant to these regulations or the equivalent regulations of another agreement state, a licensing state, or the U.S. Nuclear Regulatory Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2103 (November 1998), LR 36:1772 (August 2010).

§763. Training

A.-E.4.iii. …

F. Training for Use of Manual Brachytherapy Sources. Except as provided in Subsection B of this Section, the licensee shall require the authorized user of a manual brachytherapy source for the uses authorized in LAC 33:XV.741 to be a physician:

1. who is certified by a medical specialty board whose certification process has been recognized by the commission or an agreement state, and who meets the requirements in Subparagraph F.2.c of this Section. (The names of board certifications that have been recognized by the commission or an agreement state will be posted on the NRC's web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

F.1. a.-2.a.ii.(f). ...

b. has completed three years of supervised clinical experience in radiation oncology under the supervision of an authorized user who meets the requirements in this Subsection, or equivalent agreement state requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required in Subparagraph F.2.a.ii of this Section; and

c. has obtained written attestation, signed by a preceptor authorized user who meets the requirements in this Subsection, or equivalent agreement state requirements, that the individual has satisfactorily completed the requirements in Subparagraph F.1.a, or Paragraph F.2.a and b of this Section, and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized in LAC 33:XV.741.

G.-I.2.a.ii(f). ...

b. has completed three years of supervised clinical experience in radiation therapy under the supervision of an authorized user who meets the requirements in this Subsection, or equivalent agreement state requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required in Subparagraph I.2.a.ii of this Section; and

c. has obtained written attestation that the individual has satisfactorily completed the requirements in Subparagraph I.1.a or Subparagraph I.2.a and b and Paragraph I.3 of this Section, and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be signed by a preceptor authorized user who meets the requirements in this Subsection or equivalent agreement state requirements for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status; and

I.3 - M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:2121 (October 2008), LR 36:1772 (August 2010).